

Assembly Bill No. 2093

CHAPTER 106

An act to amend Section 9014 of the Elections Code, relating to elections.

[Approved by Governor July 9, 2014. Filed with Secretary
of State July 9, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, Grove. Petitions: filings.

Existing law provides that an initiative or referendum measure may be proposed by filing with elections officials a petition signed by a specified number of voters. Under existing law, the proponents of an initiative measure have 150 days to gather signatures and file the initiative petition, and the proponents of a referendum measure have 90 days to gather signatures and file the referendum petition. Under existing law generally, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

This bill would specify that, if the final day to file an initiative or referendum petition falls on a holiday, as defined, the petition may be filed with the county elections official on the next business day.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Under the California Constitution, an initiative or referendum measure may be proposed by presenting to the Secretary of State a petition containing a specified number of signatures. The California Constitution requires that a petition for a referendum measure be submitted within 90 days of the date of enactment of the statute that is the subject of the referendum, and state law requires that a petition for an initiative measure be submitted within 150 days of the date of the circulating title and summary furnished by the Attorney General.

(b) In some instances, the final day to submit an initiative or referendum petition falls on a holiday, when the offices of state and county elections officials are closed. In those circumstances, the proponents of an initiative or referendum measure are faced with the choice of either submitting the petition prior to the holiday, in which case the period to gather signatures would be reduced, or submitting the petition after the holiday, in which case the proponents would risk rejection of the petition as untimely.

(c) While the California Constitution specifies a period of 90 days to gather signatures for a referendum measure, it gives no guidance as to how

to construe the 90-day period in those instances in which the final day falls on a holiday.

(d) The courts of this state have long held that the initiative and the referendum are sacred rights of the people and provisions of law shall be liberally construed to give full effect to the powers of initiative and referendum.

(e) The framers of the California Constitution did not intend that the powers of initiative and referendum should be frustrated by the mere happenstance that the final day to submit a petition falls on a holiday.

(f) It is a general and well-accepted rule of law that, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

(g) It is the intent of the Legislature in enacting this act to preserve the people's rights of initiative and referendum by clarifying that, in those instances in which the final day to submit a petition falls on a holiday, the proponents of the initiative or referendum measure may submit the petition on the next business day following the holiday.

SEC. 2. Section 9014 of the Elections Code is amended to read:

9014. (a) A petition for a proposed initiative or referendum measure shall not be circulated for signatures prior to the official summary date.

(b) Subject to subdivision (d), a petition with signatures for a proposed initiative measure shall be filed with the county elections official not later than 150 days from the official summary date, and a county elections official shall not accept a petition for the proposed initiative measure after that period.

(c) Subject to subdivision (d), a petition for a proposed referendum measure shall be filed with the county elections official not later than 90 days from the date the legislative bill was chaptered by the Secretary of State, and a county elections official shall not accept a petition for the proposed referendum measure after that period.

(d) If the last day to file a petition pursuant to subdivision (b) or (c) is a holiday, as defined in Chapter 7 (commencing with Section 6700) of Division 7 of Title 1 of the Government Code, the petition may be filed with the county elections official on the next business day.

SEC. 3. This act shall not be construed to affect any matter pending in the courts of this state on the date this act is enacted.